IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 1288 of 2005

Between:

Ashok Kumar Pathro, S/o. Abhimanya Pathro,
R/o. Shop Nos. 3 & 4, Utility Complex, INS Veerabhahu,
Naval Base, Gandhigram, Visakhapatnam.

..... PETITIONER

AND

The Senior Security Commissioner, Railway Protection Force,
Waltair, Visakhapatnam.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent in interfering with my day to day business in Shop Nos. 3 & 4 , Telecom Centre & Cool Drink Parlour, INS Veerabahu, Naval Base, Gandhigram, Visakhapatnam as contrary to the intention of the licencing Authority Namely Senior Divisional Commercial Manager, Waltair Division, East Coast Railway, Visakhapatnam, illegal arbitrary, capricious without jurisdiction and against the principles of natural justice and also against the proceedings of licencing authority dt. 10.01.2005 and also in violation of Article 21 of Constitution of India and consequently to direct the respondent not to interfere with my day to day business in Shop Nos. 3 & 4, Telecom Centre & Cool Drinksa Parlour, INS Veerabahu, Naval Base, Gandhigram, Visakhapatnam against the intention of the licencing authority or to pass any other order or orders.

Counsel for the Petitioner:SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for the Respondent No.: MR.G.S.SANGHI

The Court at the stage of admission made the following ORDER:

ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the Railways, Sri Gowri Shankar Sanghi.

The petitioner is a licence holder having been authorized by the Senior Divisional Commercial Manager, Waltair Division, East Coast Railway, Visakhapatnam, and has been carrying on business as a travel agent in Shop Nos.3 & 4 of Utility Complex, INS Veerabahu, Naval Base, Visakhapatnam. According to the petitioner the licence was initially granted to him in the year 1998 for a period of three years. Subsequently the same was being renewed every year, the last renewal being on 01.09.2004 for the period from 11.11.2003 to 10.11.2004. The petitioner states that even before the expiry of the period of licence, he made an application before the Senior Divisional Commercial Manager, Waltair Division, East Coast Railway, Visakhapatnam, requesting to renew his licence and the same is pending. The petitioner alleges that while his application for renewal is pending before the competent authority, the respondent herein has been interfering with his day to day business in Shop Nos.3 & 4, Utility Complex, ISN Veerabahu, Naval Base, Gandigram, Visakhapatnam, on the ground that he does not possess a valid licence. In the circumstances, this writ petition is filed seeking a *Writ of Mandamus* to declare the action of the respondent as arbitrary and illegal contending *inter alia* that since the application for renewal of licence is admittedly pending before the competent authority, the respondent is not justified in interfering with his day to day business.

Having heard the learned counsel for both the parties and particularly keeping in view that the application made by the petitioner for renewal of the licence is pending, I deem it appropriate to dispose of the writ petition with a direction to the Senior Divisional Commercial Manager, Waltair Division, East Coast Railway, Visakhapatnam to consider the application of the petitioner for renewal of his licence and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Till such time, there shall be a direction to the respondent not to interfere with the business of the petitioner on the ground that the petitioner does not possess a valid licence.

The writ petition is accordingly disposed of. No costs.

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G. Rohini,J

Date: 01.02.2005

Note: Furnish CC in two days

B/o

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To,

1. The Senior Security Commissioner,
   Railway Protection Force, Waltair,
   Visakhapatnam.
2. The Senior Divisional Commercial Manager,

Waltair Division, East Coast Railway, Visakhapatnam.

3. Two CD Copies